



General Assembly

Amendment

February Session, 2014

LCO No. 5096

SB0035005096SR0

Offered by:
SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 350

File No. 385

Cal. No. 262

**"AN ACT CONCERNING THE STATE-WIDE PROCESS
IMPROVEMENT INITIATIVE."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (4) of subsection (a) of section 4a-60g of the
4 2014 supplement to the general statutes is repealed and the following
5 is substituted in lieu thereof (*Effective October 1, 2014*):

6 (4) "Minority business enterprise" means any small contractor (A)
7 fifty-one per cent or more of the capital stock, if any, or assets of which
8 are owned by a person or persons who (i) exercise operational
9 authority over the daily affairs of the enterprise, (ii) have the power to
10 direct the management and policies and receive the beneficial interest
11 of the enterprise, (iii) possess managerial [and] or technical
12 competence and experience directly related to the principal business
13 activities of the enterprise, and (iv) are members of a minority, as such
14 term is defined in subsection (a) of section 32-9n, or are individuals
15 with a disability, or (B) which is a nonprofit corporation in which fifty-

16 one per cent or more of the persons who (i) exercise operational
17 authority over the enterprise, (ii) possess managerial and technical
18 competence and experience directly related to the principal business
19 activities of the enterprise, (iii) have the power to direct the
20 management and policies of the enterprise, and (iv) are members of a
21 minority, as defined in this subsection, or are individuals with a
22 disability.

23 Sec. 502. Subsection (k) of section 4a-60g of the 2014 supplement to
24 the general statutes is repealed and the following is substituted in lieu
25 thereof (*Effective October 1, 2014*):

26 (k) (1) On or before January 1, 2000, the Commissioner of
27 Administrative Services shall establish a process for certification of
28 small contractors and minority business enterprises as eligible for set-
29 aside contracts. Each certification shall be valid for a period not to
30 exceed two years. Any paper application for certification shall be no
31 longer than six pages. The Department of Administrative Services shall
32 maintain on its web site an updated directory of small contractors and
33 minority business enterprises certified under this section.

34 (2) The Commissioner of Administrative Services may deny an
35 application for the initial issuance or renewal of such certification after
36 issuing a written decision to the applicant setting forth the basis for
37 such denial. The commissioner may revoke such certification for cause
38 after notice and an opportunity for a hearing in accordance with the
39 provisions of chapter 54. Any person aggrieved by the commissioner's
40 decision to deny the issuance or renewal of or to revoke such
41 certification may appeal such decision to the Superior Court, in
42 accordance with the provisions of section 4-183.

43 (3) Whenever the Commissioner of Administrative Services has
44 reason to believe that a small contractor or minority business
45 enterprise who has applied for or received certification under this
46 section has included a materially false statement in his or her
47 application, the commissioner may impose a penalty not exceeding ten

48 thousand dollars after notice and a hearing held in accordance with
 49 chapter 54. Such notice shall include (A) a reference to the statement or
 50 statements contained in the application alleged to be false, (B) the
 51 maximum civil penalty that may be imposed for such
 52 misrepresentation, and (C) the time and place of the hearing. Such
 53 hearing shall be fixed for a date not later than fourteen days from the
 54 date such notice is sent. The commissioner shall send a copy of such
 55 notice to the Commission on Human Rights and Opportunities.

56 (4) The commissioner shall hold a hearing prior to such revocation
 57 or denial or the imposition of a penalty, unless such contractor or
 58 subcontractor fails to appear. If, after the hearing, the commissioner
 59 finds that the contractor or subcontractor has wilfully included a
 60 materially false statement in his or her application for certification
 61 under this subsection, the commissioner shall revoke or deny the
 62 certification and may order that a civil penalty not exceeding ten
 63 thousand dollars be imposed on the contractor or subcontractor. If
 64 such contractor or subcontractor fails to appear for the hearing, the
 65 commissioner may, as the facts require, revoke or deny the certification
 66 and order that a civil penalty not exceeding ten thousand dollars be
 67 imposed on the contractor or subcontractor. The commissioner shall
 68 send a copy of any order issued pursuant to this subsection to the
 69 contractor or subcontractor named in such order. The commissioner
 70 may cause proceedings to be instituted by the Attorney General for the
 71 enforcement of any order imposing a civil penalty issued under this
 72 subsection."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2014	4a-60g(a)(4)
Sec. 502	October 1, 2014	4a-60g(k)